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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,073	05/08/2001	Skyler D. Pinnick	P-6177	5789
7590	07/29/2004		EXAMINER	LEE, PHILIP C
Bruce Amson Chief Operating Officer, Vidigo Corporation Suite 400 40 University Avenue Toronto, ON M5J-1T1 CANADA			ART UNIT	PAPER NUMBER
			2154	DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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SEP 03 2004

Technology Center 2100

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/853,073	PINNICK, SKYLER D.
	Examiner Philip C Lee	Art Unit 2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 May 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

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#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  - 1) Certified copies of the priority documents have been received.
  - 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-12 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
3. The specification is objected to because of the following informalities and grammar errors, page 4, line 1, "customer specific data 280" [i.e. no customer specific data 280 in figure] and page 5, line 32, "Internet connection 720" [i.e. no Internet connection 720 in figure 3]. Appropriate correction is required.

*Claim Rejections - 35 USC 112*

4. Claim 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim language in the following claims is not clearly understood:
  - i. As per claim 10, lines 1-2, it is uncertain if said data entry means with software for inputting of client specific data is the same as the user identification software for communicating said user variables.

*Claim Rejections – 35 USC 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-7 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakatsuyama, U.S. Patent 6,253,246 (hereinafter Nakatsuyama).

8. As per claims 1 and 12, Nakatsuyama taught the invention as claimed for providing video to a user over the Internet (col. 1, lines 19-22; col. 12, lines 21-26) comprising: compression means for compressing a plurality of specialized videos having individual variable configurations (col. 7, lines 15-24; col. 7, lines 49-col. 8, lines 23; col. 12, lines 27-33); detection means for detecting user variables on said user's personal computing device (col. 11, lines 40-46); selection means for selecting said specialized videos matched to said user variables (col. 2, lines 30-35; col. 7, lines 1-14); and delivery means for delivering said specialized video selected with said selecting means to said user over said Internet (col. 2, lines 36-43; col. 6, lines 38-56).

9. As per claim 2, Nakatsuyama taught the invention as claimed in claim 1 above. Nakatsuyama further taught wherein said compression means is coupled to an operator interface for entering video compression data (col. 3, lines 59-61; col. 5, lines 1-51; col. 9, lines 52-col. 10, lines 21).

10. As per claim 3, Nakatsuyama taught the invention as claimed in claim 2 above. Nakatsuyama further taught wherein said compression means is coupled to a compression parameter database for retrieving compression parameters relative to said video compression data (col. 2, lines 30-35; col. 6, lines 38-56).

11. As per claim 4, Nakatsuyama taught the invention as claimed in claim 3 above. Nakatsuyama further taught comprising a compression manager for managing the construction of said specialized video from said user input and aid compression parameters (col. 6, lines 38-56; col. 7, lines 49-col. 8, lines 23; col. 10, lines 28-34).
12. As per claim 5, Nakatsuyama taught the invention as claimed in claim 4 above. Nakatsuyama further taught comprising a compression engine for compressing said specialized video parameters (col. 4, lines 35-48; col. 7, lines 49-col. 8, lines 23; col. 10, lines 28-34).
13. As per claim 6, Nakatsuyama taught the invention as claimed in claim 5 above. Nakatsuyama further taught wherein said detection means is comprised of user identification software installed on said user's personal computing device for communication said user variables (col. 2, lines 10-19, 44-49; col. 5, lines 1-51; col. 9, lines 52-col. 10, lines 21).
14. As per claim 7, Nakatsuyama taught the invention as claimed in claim 6 above. Nakatsuyama further taught comprising server software installed on a serving computer coupled to the Internet for receiving said user variables from said user identification software (col. 2, lines 20-26; col. 6, lines 38-56; col. 10, lines 22-27).
15. As per claim 9, Nakatsuyama taught the invention as claimed for providing video to users over the Internet (col. 1, lines 19-22; col. 12, lines 21-26) comprising:

data entry means for the entry of compression data (col. 9, lines 52-col. 10, lines 21); parameter storage means for storing compression parameters (col. 2, lines 30-35; col. 6, lines 38-56); compression means for compressing a specialized video from said compression data and said compression parameters (col. 6, lines 38-56; col. 7, lines 49-col. 8, lines 23; col. 10, lines 28-34); video storage means for storing said specialized video (col. 2, lines 27-29; col. 4, lines 5-20; col. 5, lines 1-51; col. 7, lines 1-14; col. 12, lines 42-48); detection means for detecting user variables on a said user's personal computing device (col. 11, lines 40-46); selection means for selecting specialized video matched to said user variables (col. 2, lines 30-35; col. 7, lines 1-14); and delivery means for delivering said specialized video selected with said selection means (col. 2, lines 36-43; col. 6, lines 38-56).

16. As per claim 10, Nakatsuyama taught the invention as claimed in claim 9 above. Nakatsuyama further taught wherein said data entry means is comprised of a computer having software for input of client specific data (col. 2, lines 44-49; col. 5, lines 1-51; col. 10, lines 12-16).

17. As per claim 11, Nakatsuyama taught the invention as claimed in claim 9 above. Nakatsuyama further taught wherein said compression means is coupled to a raw video storage device for storing uncompressed video footage (col. 12, lines 39-41).

*Claim Rejections – 35 USC 103*

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuyama in view of Guetz et al, U.S. Patent 6,091,777 (hereinafter Guetz).

20. As per claim 8, Nakatsuyama taught the invention as claimed in claim 7 above. Nakatsuyama did not teach installation means. Guetz taught wherein said server software is comprised of installation means for installing said user identification software on said user's personal computing device (col. 5, lines 37-67).

21. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Nakatsuyama and Guetz because Guetz's teaching of installation means would increase the efficiency of Nakatsuyama's system by allowing server to transmit software to be install on the client computer via the network (col. 58-64).

### **CONCLUSION**

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tso et al, U.S. Patent 6,421,733, disclosed a system for compressing data based on user criteria.

23. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

26. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.



ZARNI MAUNG  
PRIMARY EXAMINER

<b>Notice of References Cited</b>		Application/Control No. 09/853,073	Applicant(s)/Patent Under Reexamination PINNICK, SKYLER D.	
		Examiner Philip C Lee	Art Unit 2154	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,253,246	06-2001	Nakatsuyama, Takashi	709/233
	B	US-6,091,777	07-2000	Guetz et al.	375/240.11
	C	US-6,421,733	07-2002	Tso et al.	709/246
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
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**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.